

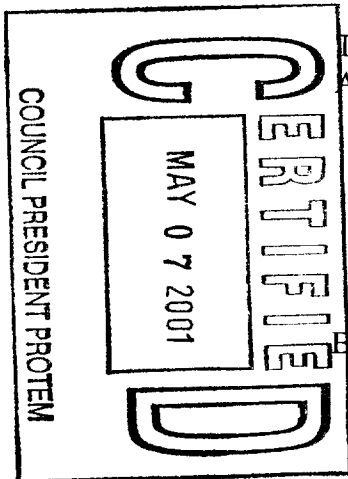
Entered -02-19-01 - sb
CL 01L0124 - GWENDOLYN BURNS

CLAIM OF:

01- R-0557

KEDIST SEBHAT
3088 Hazelwood Drive, SW
Atlanta, Georgia 30311

For property damages alleged to have been sustained from a sewer
back up on December 27, 2000 at 3088 Hazelwood Drive, SW.



THIS ADVERSED REPORT IS
APPROVED

CONSENT AGENDA

BY: Robert N. Godfrey
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

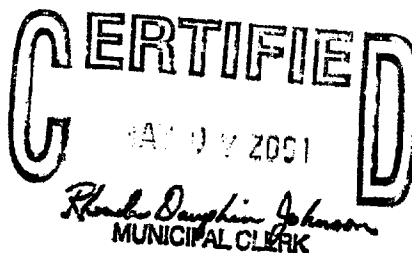
ADVERSE REPORT

COM. Public Safety

DATE 4/12/01

CHG. C. T. [unclear]

[Signature]
[Signature]
[Signature]



ADVERSED BY
CITY COUNCIL MAY 07 2001



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

May 15, 2001

Kedist Sebhat
3088 Hazelwood Dr., SW
Atlanta, GA 30311

01-R-0557

Dear Mr. Sebhat:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting May 7, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson
Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0124

Date: March 26, 2001

Claimant /Victim KEDIST SEBHAT

BY: (Atty) (Ins. Co.) _____

Address: 3088 Hazelwood Drive, SW, Atlanta, Georgia 30311

Subrogation: _____ Claim for Property damage \$ 1,800.00 Bodily Injury \$ _____

Date of Notice: 2/14/01 Method: Written, Proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 12/27/00 Place: 3088 Hazelwood Drive, SW

Department PUBLIC WORKS Division Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that she sustained damages to her home from a sewer back up. However, an investigation determined that the City did not have notice of any problems at this location prior to the December 27, 2000 occurrence. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

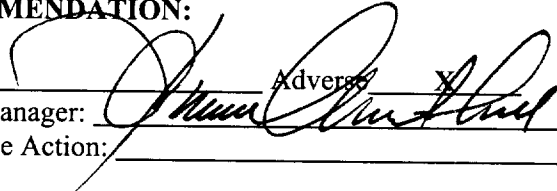
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adversely X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 13-29-01

Committee Action: _____ Council Action _____

RECEIVED FEB 14 2001 *BURNS*

**COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK**

City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES *02/15/01*

Today's Date: *2-2-2001* *Ch*

Dear Municipal Clerk:

ENTERED - 2-19-01 - SB
01L0124 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1800 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 12-27-000 2. Time of Incident: 10AM 3. Police called: Yes No
(month/day/ year)

4. Location of incident (including street address): 3088 HAZELWOOD DR Atlanta GA 30311

5. Name of your insurance company: _____ Policy No. _____

6. State what and how incident occurred: GA. Sewage Backed up

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Deborah Robinson 4466 HEARN RD 404-310-8921
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Kedist Sebhart
Signature of Claimant

Kedist Sebhart
(Print Claimant's Name)

3088 HAZEL WOOD DR
(Address)

Atlanta GA 30311
(City, State and Zip Code)

404 763-1342 (404691-3023
(Work Number) (Home Number)

01-R -0557

President Pro Tem Bond Presided

RCS# 2838
5/07/01
4:44 PM

Atlanta City Council

Regular Session

CONSENT

PAGES 1 THRU 13

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0610

CONSENT

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 00-O-0264
 2. 01-O-0603
 3. 01-O-0604
 4. 01-O-0612
 5. 01-O-0529
 6. 01-O-0608
 7. 01-O-0623
 8. 01-O-0624
 9. 01-O-0593
 10. 01-O-0482
 11. 01-O-0548
 12. 00-O-2056
 13. 01-R-0575
 14. 01-R-0576
 15. 01-R-0577
 16. 01-R-0578
 17. 01-R-0579
 18. 01-R-0580
 19. 01-R-0648
 20. 01-R-0581
 21. 01-R-0574
 22. 01-R-0594
 23. 01-R-0595
 24. 01-R-0617
 25. 01-R-0491
 26. 01-R-0571
 27. 01-R-0572
 28. 01-R-0602
 29. 01-R-0565
 30. 01-R-0644
 31. 01-R-0552
 32. 01-R-0553
 33. 01-R-0554
 34. 01-R-0555
 35. 01-R-0556
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**ITEMS ADVERSED
ON CONSENT AGENDA**

36. 01-R-0557
37. 01-R-0558
38. 01-R-0559
39. 01-R-0560
40. 01-R-0561
41. 01-R-0562
42. 01-R-0563
43. 01-R-0564